

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :
: 19-CR-537 (VEC)
-against- :
: ISMAEL JIMENEZ MARTINEZ, :
: ORDER
Defendant. :
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VALERIE CAPRONI, United States District Judge:

WHEREAS on February 6, 2020, the Undersigned sentenced Mr. Martinez to fourteen months imprisonment and three years of supervised release for health care fraud, Dkt. 36;

WHEREAS on October 5, 2023, Mr. Martinez moved for early termination of his supervised release, Mot. Dkt. 47, on the grounds that he has successfully served 30 months of his three-year term and wishes to be able to relocate, outside of the district, to New Jersey to live with his partner and children, *see id.* at 3;

WHEREAS on October 26, 2023, the Government responded to Mr. Martinez's motion and stated that it did not oppose his request for early termination of his supervised release. Gov. Resp., Dkt. 49 at 1. The Government further confirmed that Mr. Martinez has been compliant throughout the term of his supervised release, *id.* at 1;

WHEREAS this Court has broad discretion when deciding a motion to terminate a term of supervised release but must determine whether "such action is warranted by the conduct of the defendant released and the interest of justice," and consider the section 3353(a) sentencing factors, 18 U.S.C. §§ 3583(c), (e)(1); *see also United States v. Weiss*, No. 21-CR-457, 2022 WL 3214914, at *2 (S.D.N.Y. Aug. 9, 2022) (citing *United States v. Parisi*, 821 F.3d 343, 347 (2d Cir. 2016)); *United States v. Harris*, 689 F. Supp. 2d 692, 694 (S.D.N.Y. 2010).

WHEREAS the Guide to Judiciary Policy places a presumption in favor of granting a motion to terminate a term of supervised release brought by an individual who has completed at least eighteen months of supervised release and (1) is not a career criminal and has not committed a sex offense or an act of terrorism, (2) does not present a risk of harm to the public or to any victims, (3) is without court-reported violations for at least one year, and (4) has demonstrated he or she can act in accordance with the law beyond the term of supervision, including by engaging in prosocial activities and receiving prosocial support, 8 Jud. Conf. of the U.S., Guide to Judiciary Pol'y § 360.20(c) (2022), https://jnet.ao.dcn/policy-guidance/guide-judiciary-policy/volume-8-probation-and-pretrial-services/part-e-post-conviction-supervision/ch-3-framework-effective-supervision#360_20.

IT IS HEREBY ORDERED that Mr. Martinez's motion for early termination of his supervised release is GRANTED. The Court finds that termination is warranted because Mr. Martinez has substantially complied with the conditions of his supervision over the 30 months of his supervised release and has adequately demonstrated that he will be able to continue act lawfully beyond the term of his supervision. Mr. Martinez appears to have been in compliance with the conditions of his supervision. Gov. Resp. at 1. The Court further finds that there is a presumption in favor of granting Mr. Martinez's request for early termination of his term of supervised release, as Mr. Martinez meets all the criteria outlined by section 360.20(c) of the Guide to Judiciary Policy.

Mr. Martinez has fully completed his sentence of fourteen months incarceration, and he has completed 30 months of his 36-month term of supervision. Gov. Resp. at 1. Accordingly, while granting Mr. Martinez's motion will reduce his term of supervision by approximately 17%, the section 3553 factors do not counsel against granting the requested relief. This sentence

adequately reflects the seriousness of the offense, promotes respect for the law, and affords adequate deterrence to criminal conduct. 18 U.S.C. § 3553(a).

Based on these findings, the Court hereby grants Mr. Martinez's motion for early termination of supervised release, effective immediately. The Clerk of Court is respectfully directed to close the open motion at docket entry 47.

The Probation Office is ordered to notify Mr. Martinez of the Court's Order by **October 30, 2023.**

SO ORDERED.

Date: **October 26, 2023**
New York, New York



VALERIE CAPRONI
United States District Judge